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10/788,479	03/01/2004	Gordon Rouleau	13693-26US CMB/AA/clb	7564

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EXAMINER
ZHOU, YONG

ART UNIT	PAPER NUMBER
2619	

MAIL DATE	DELIVERY MODE
03/25/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *1/18/2008*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *1/18/2008*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Monot, Philippe (US Patent No. 5,708,778), referred to herein as Monot, in view of Chu,

Steve et al. (US 2004/0186689), referred to herein as Chu.

Regarding claim 1, Monot teaches a method for configuring a local LAPB device

in accordance with a remote LAPB device (automatic configuration… LAPB, col. 9, lines

38-39), said method comprising:

providing a received frame from said remote LAPB device (col. 2, lines 18-20,

wherein the answer is received from the network equipment device (referring to DCE) in

response to any prior probe frames from DTE);

automatically configuring the DTE parameters from the answer frame received

from the DCT (col. 1, lines 61-64, and col. 2, lines 52-56)

Monot indicates that the invention is also for automatically configuring similar

network devices in addition to data terminals (col. 1, lines 52-53), wherein the "similar

network devices" can be interpreted as a DCE as the term "network equipment device"

refers to DCE in the reference (col. 2, line 18).

However, Monot does not specifically teach that a device can be automatically configured as DTE or DCE depending on whether the device connected is DCE or DTE.

Chu teaches that a device can auto-detect whether the device connected at the other end is DCE or DTE and auto-configure the device it self as DTE or DCE to interface with the other end properly (Fig. 3, col. 3, lines 6-10 and 66-67 through col. 4 line 3).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine teachings from Chu into the Monot invention to automatically configure a device's mode of operation, DTE or DCE, to communicate properly with the device connected.

Regarding claim 2, Monot further teaches monitoring to detect an initiator for an asynchronous balanced mode provided by said remote LAPB device and when no initiator for asynchronous balanced mode is detected for a given period, providing said initiator for asynchronous balanced mode to said remote LAPB device (SABM/SABME command, col. 10, line 1; wherein the LAPB asynchronous balanced mode is initiated by the SABM/SABME command frame).

Regarding claim 3, Monot further teaches that said monitoring to detect said initiator for an asynchronous balanced mode is performed during a given time limit (col. 7, lines 5-6).

Regarding claim 4, Monot further teaches providing said given time limit (col. 7, lines 5-6).

     Regarding claim 5, Monot teaches an apparatus for configuring a local LAPB

device in accordance with a remote LAPB device (automatic configuration… LAPB, col.

9, lines 38-39), said apparatus comprising:

     a communication port (Fig. 2, #201) receiving a data signal originating from said

remote LAPB device and providing at least one part of said data signal (col. 2, lines 18-

20, wherein the answer is received from the network equipment device (referring to

DCE) in response to any prior probe frames from DTE);

     a memory (Fig. 2, #203, #208) storing data identifying at least one of a data

computing equipment and a data terminal equipment (col. 3, lines 58-60, wherein

memory includes the layer 2 configuration parameters data store #208); and

     a processing unit (Fig. 2, #200) receiving and checking said at least one part of

said data signal from DCE, and configuring the DTE parameters (col. 3, lines 53-55,

wherein the processor executes the automatic configuration program).

     Monot indicates that the invention is also for automatically configuring similar

network devices in addition to data terminals (col. 1, lines 52-53), wherein the "similar

network devices" can be interpreted as a DCE as the term "network equipment device"

refers to DCE in the reference (col. 2, line 18).

     However, Monot does not specifically teach that a device can be automatically

configured as DTE or DCE depending on whether the device connected is DCE or DTE.

     Chu teaches that a device can auto-detect whether the device connected at the

other end is DCE or DTE and auto-configure the device it self as DTE or DCE to

interface with the other end properly (Fig. 3, col. 3, lines 6-10 and 66-67 through col. 4 line 3).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine teachings from Chu into the Monot invention to automatically configure a device's mode of operation, DTE or DCE, to communicate properly with the device connected.

Regarding claim 6, Monot further teaches that said communication port provides an initiator for an asynchronous balanced mode to said remote LAPB device in the case where no data signal is provided by said remote LAPB device (col. 4, lines 20-22, and col. 10, lines 1-3, wherein the probe sent from the DTE is before data is received form the remote end; the SABM/SABE command sent to the DCE is to initiate the asynchronous balanced mode and trigger the response from the DCE).

Regarding claim 7, Monot further teaches that said communication port is comprised in said local LAPB device (Fig. 2, #201).

Regarding claim 8, Monot further teaches that said communication port is comprised in said local LAPB device (Fig. 2, #201).

Response to Arguments

3.   Applicant's arguments, filed January 18, 2008, have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made.

See more details above.

Conclusion

4.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yong Zhou whose telephone number is (571)270-3451. The examiner can normally be reached on Monday - Friday 8:00am - 5:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chirag G. Shah can be reached on (571) 272-3144. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Yong Zhou

March 13, 2008

/Chirag G Shah/
Supervisory Patent Examiner, Art Unit 2619